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FM USMISSION UNVIE VIENNA  
TO RUEHC/SECSTATE WASHDC PRIORITY 0378  
INFO RUEHTV/AMEMBASSY TEL AVIV 0342  
RUEKJCS/SECDEF WASHDC  
RHEBAAA/DOE WASHDC  
RUEKJCS/DOD WASHDC  
RUEKJCS/Joint STAFF WASHDC  
RUEAIIA/CIA WASHDC  
RHMFIUU/HQ AFTAC PATRICK AFB FL

UNCLAS UNVIE VIENNA 000547

SENSITIVE  
SIPDIS

DEPT FOR ISN/MNSA, VCI/NA, IO/GS, L/ACV  
DOE FOR NN-40  
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TAGS: PARM AORC KTBT  
SUBJECT: PC524: CTBTO 33RD SESSION OF THE PREPARATORY  
COMMISSION, NOV. 16-17, 2009

REF: A) STATE 117711 B) STATE 113019 C) STATE 111527

¶1. (U) Summary. The 33rd Session of the Preparatory Commission of the CTBTO proceeded more smoothly than expected. There was little discussion of the recommendations coming to the PrepCom from Working Group B (WGB) and Working Group A (WGA), and the PrepCom approved all recommendations quickly and expeditiously. Group and national statements featured largely familiar themes. The G77 and China proposed an amendment to the PrepCom rules on observers that would allow Palestine to become an observer, but without mentioning Palestine by name. The PrepCom decided to have the PrepCom Chair convene consultations on the proposed amendments, with a decision to be taken at the June 2010 PrepCom. We expect the Arab Group to call for a vote at the time if there is no consensus on a rule which would allow Palestine to become an observer, and the Arab group would be likely to win. Mission requests guidance on how to proceed in consultations on observers (see para twelve below). End Summary.

National and Group Statements

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¶2. (U) The G77 and China called for continual adherence to a zero real growth budget, claimed that experience had now demonstrated there was no need for more than two meetings per year of WGB, and suggested that the PrepCom itself should perhaps meet only once a year. The statement of the non-aligned Movement (NAM) focused almost entirely on themes from the Nuclear Non-Proliferation Treaty. Both the NAM and the G77 made strong calls for admission of Palestine as an observer in the Preparatory Commission.

¶3. (U) The EU and other like-minded groups and countries stressed the need for future budgets to be program-based and generally encouraged a faster pace of work within the organization. In particular the EU noted the importance of a continued steady buildup of the International Monitoring System (IMS), the need to certify all installed stations, particularly noble gas systems. The EU called on the Provisional Technical Secretariat (PTS) to make clear its long-term staffing needs. Finally, it noted that the proposed schedule of meetings for 2010 represented an experiment and thus did not set a precedent for future years. The Ambassador delivered the US statement (Ref B), which was well-received.

## Recommendations of Working Groups A and B

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**¶4.** (U) The PrepCom approved all recommendations of Working Groups A and B, generally with little or no discussion. Mission representatives made interventions specified in Ref C at appropriate times. Thus the PrepCom approved the WGB recommendations on the action plan for on-site inspections and the WGB work plan for 2010. As for WGA recommendations, particularly important were the approval of budgetary transfers, the carry-forward of the unspent balance in the Capital Investment Fund (CIF), and the adoption of a new financial rule to expedite the procurement process. The PrepCom approved the scale of assessments without the 22-percent cap, but several delegations, notably including the Group of Latin American and Caribbean Countries (GRULAC), expressed interest in considering such a cap in the 2011 budget.

## 2010 Schedule of Meetings

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**¶5.** (U) The PrepCom approved a schedule of meetings for 2010 to include two meetings of three-week duration of Working Group B in the usual February-March and August-September time frame, sessions of Working Group A in June and October, PrepCom sessions in June and November, and joint meetings of Working Groups A and B in March, June, and August.

-- Preparatory Commission 34th Session 28-29 June 2010

-- Preparatory Commission 35th Session 8-11 November 2010

-- Working Group A 37th Session 7 to 9 June 2010

-- Working Group A 38th Session 4 to 6 October 2010

-- Working Group B 34th Session 15 February to 5 March 2010

-- Working Group B 35th Session 16 August to 3 September 2010

-- Joint Meetings of Working Groups A and B on March 1, June 3-4, and August 30

## Elections

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**¶6.** (U) Since the African Group was unable to agree on candidates either for the 2010 PrepCom Chair or for the Chair of Working Group A, the PrepCom agreed to defer a decision until a special session of the PrepCom in March. The Australian ambassador will continue as PrepCom Chair until that time. Mission has heard that Namibia may be willing to accept the Chair of the PrepCom. The Namibian ambassador has performed very well as chair of the 2009 Commission on Narcotic Drugs and is close to the US Mission.

## Palestinian Observership

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**¶7.** (U) In advance of the PrepCom, it was widely feared that the G77 and China would once again push hard in support of Palestine as an observer in the PrepCom. Many observers, including the PrepCom chair, believed that some in the G77 would call for a vote on the issue and that the G77 would easily win. The G77 and China had earlier circulated a draft for proposed changes in the PrepCom rules concerning observers (see para nine below) that would have allowed Palestine to observe, without actually mentioning Palestine by name. Egypt and others were expected to raise the issue independently of the proposed rule changes.

**¶8.** (U) In the event, the G77 was content to have the PrepCom Chair promise to hold open-ended consultations on the proposed rule changes, with a decision expected at the next

session of the PrepCom in June 2010. The Egyptian delegation was also quite restrained, calling for Palestine to be admitted to observer status immediately, but then signaling that it, too, was willing to wait until June. Again there is a clear expectation that, one way or another, the June PrepCom will admit Palestine as an observer. If not, a vote is very likely.

G77 and China Proposal on rule five of the G77

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¶9. (U) Begin text

Rule 5 Observers

¶11. Representatives of the non-signatory States to the CTBT may participate in, without taking part in the decision making process, meetings of the Commission and its subsidiary bodies. The representatives of such States shall be entitled to receive the documents of the Commission and to submit written contributions on matters under consideration by the Commission. Costs related to the attendance at such meetings shall be borne by that non-signatory State.

¶12. Representatives of the United Nations and other inter-governmental organizations shall be entitled to attend meetings of the Commission and its subsidiary bodies and receive documents of the Commission. Upon invitation of the Commission, or in accordance with an agreement concluded between the Commission and the organization concerned, written statements may be submitted by the organization to the commission for distribution in the meeting. Costs related to the attendance at such meetings or distribution of documents shall be borne by the organization concerned.

¶13. Representatives of any United Nations specialized agency, related organization, intergovernmental organization or entity having received a standing invitation to participate as an observer in the sessions of the United Nations General Assembly may attend meetings of the Commission and receive the documents of the Commission. Costs related to the attendance at such meetings shall be borne by the organization or entity concerned.

¶14. Any non-governmental organization (NGO) that wishes to attend meetings of the Commission may apply to the Provisional Technical Secretariat. Permission to attend will be granted upon the decision of the Commission. Representatives of such a non-governmental organization shall be entitled to attend open meetings of the Commission and to receive upon request the documents of the Commission. Costs related to the attendance of such meetings shall be borne by NGO concerned.

End text.

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Israeli Views

¶10. (SBU) The Israeli Ambassador indicated to Mission officer after the end of the PrepCom that his government might be able to accept an amendment to Rule Five which would allow Palestine to observe meetings of the PrepCom, as long as the new rule did not mention Palestine by name. He added that Israel would propose its own amendments to the Rules of the Preparatory Commission and that its acceptance of the proposed changes to Rule Five would also be dependent upon PrepCom acceptance of the Israeli amendments.

¶11. (SBU) Proposed Israeli Amendments

Rule 8, Officers and their Terms of Office (new paragraph Three of Rule 8)

In case a Geographical Region as defined in the Treaty does not elect a Chairman or a Vice Chairman according paragraph 2 of Rule 8, any member state of the Geographical Region may

present its candidacy to that position for the PrepCom's decision.

New Rule 38 (to replace the current rule 38)

In case a proposal to change the Rules of Procedure does not achieve consensus the decision will be deferred to the next meeting of the PrepCom and then could be decided in accordance with the procedures for decision on matters of substance as set forth in Rule 26.

¶12. (SBU) Comment and Action Requested. Mission requests Department guidance on how best to proceed in the proposed consultations on Rule Five. We believe the G77 will be willing to accept almost any changes, additions, or deletions, as long as the language in paragraph three, which would allow Palestine to be an observer, remains in the final version. Mission also requests Department consult closely with Israel in the coming months, to see whether Israel is in fact willing to consider the new rule in some form, as the local ambassador indicated. Such an approach would be an elegant way to defuse an issue that has been an unnecessary distraction for the work of the CTBTO --at a time when we find ourselves increasingly isolated in our approach. Indeed, were we to have a vote today, the US could find Australia, New Zealand, Canada, and much of the EU lined up against us. Mission would like to be able to enter consultations with a text agreed upon by the EU, Australia, Canada, Japan, and other like-minded countries. All of these countries share US concerns about the broad-brush changes in the G77 proposal.

DAVIES